

ASSEMBLY BILL

No. 1531

Introduced by Assembly Member DeSaulnier

February 23, 2007

An act to amend Section 14679 of the Government Code, and to amend Sections 22511.59, 22511.7, 22511.8, and 42001.13 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1531, as introduced, DeSaulnier. Vehicles: disabled parking.

(1) Existing law authorizes a vehicle equipped with a special license plate, placard, or temporary placard indicating the person is a disabled person or disabled veteran, to exercise certain parking privileges, including parking or leaving standing a vehicle in a stall or parking place designated for a disabled person or disabled veteran. These spaces are distinguished by signs and markings placed pursuant to certain specifications.

This bill would limit the maximum consecutive number of times a person could renew a temporary disability placard to 2. Offstreet parking and parking facilities under the jurisdiction of a state or local agency would be required to state, on the signs designating a parking space as reserved for a disabled person and disabled veteran, the minimum amount a person could be fined for parking or leaving standing a vehicle in the space, without displaying the specified special license plate, placard, or temporary placard on the vehicle. If any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans is marked by crosshatched lines, those crosshatched lines would be required to be painted blue. Because this bill would place

additional duties on local agencies, the bill imposes a state-mandated local program.

(2) Existing law requires, an unauthorized person who parks or leaves a vehicle standing in a space reserved for a disabled person or disabled veteran in an offstreet parking facility without displaying the required special license plate, placard, or temporary placard, to be subject to being convicted of an infraction and fined not less than \$250.

This bill would require upon conviction of a 2nd offense, a fine of not less than \$500 and not more than \$1,250 be imposed. Upon conviction of a 3rd offense a fine of not less than \$750 and not more than \$1,500 would be required to be imposed.

Because this bill would change the penalties for a crime, it would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14679 of the Government Code is
2 amended to read:
3 14679. (a) Any parking facility under the jurisdiction or control
4 of any state agency, which is available to private persons who
5 desire to conduct business with a state agency, shall reserve for
6 the use of ~~physically handicapped persons~~ *disabled persons or*
7 *disabled veterans* a minimum of one parking space if the facility
8 contains 100 or fewer spaces and another space for each additional
9 100 parking spaces or fraction thereof. Additional spaces shall be
10 provided where usage indicates a greater need. ~~Such~~
11 (1) The space or spaces shall be reserved by posting immediately
12 adjacent to and visible from such space or spaces a sign consisting
13 of a profile view of a wheelchair with occupant in white on a blue

background. *The sign shall also clearly and conspicuously state the minimum fine, pursuant to Section 42001.13 of the Vehicle Code, imposed upon a person parking or leaving standing a vehicle in a stall or space designated for the use of disabled persons and disabled veterans, unless a special license plate issued pursuant to Section 5007 of the Vehicle Code or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 of the Vehicle Code is displayed on the vehicle.*

(2) *If any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans is marked by crosshatched lines, those crosshatched lines shall be painted blue.*

(b) If no parking facility under the jurisdiction and control of a state agency is available to private persons who desire to conduct business with the state agency, the state agency shall request the local authority having jurisdiction over streets immediately adjacent to the property of the state agency to provide parking spaces for the use of physically handicapped persons pursuant to Section 22511.7 of the Vehicle Code.

(c) As used in this section, “parking facility” means any facility or combination of facilities for parking which contains six or more parking spaces but does not include any facility constructed, altered, structurally repaired, or added to subsequent to the operative date of regulations adopted by the State Architect pursuant to Chapter 7 (commencing with Section 4450), Division 5, Title 1 of this code.

~~(d) As used in this section, “physically handicapped person” includes any person described in Section 9105 or 22511.5 of the Vehicle Code.~~

(d) As used in this section, “disabled persons” and “disabled veterans” includes a person described in Section 295.5 or 295.7 of the Vehicle Code.

SEC. 2. Section 22511.59 of the Vehicle Code is amended to read:

22511.59. (a) Upon the receipt of the applications and documents required by subdivision (b), (c), or (d), the department shall issue a temporary distinguishing placard bearing the International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641 commonly known as the “wheelchair symbol.” During the period for which it is valid, the temporary distinguishing

1 placard may be used for the parking purposes described in Section
2 22511.5 in the same manner as a distinguishing placard issued
3 pursuant to Section 22511.55.

4 (b) (1) A person who is temporarily disabled for a period of
5 not more than six months may apply to the department for the
6 issuance of the temporary distinguishing placard described in
7 subdivision (a).

8 (2) Prior to issuing a placard pursuant to this subdivision, the
9 department shall require the submission of a certificate signed by
10 a physician and surgeon, or to the extent that it does not cause a
11 reduction in the receipt of federal aid highway funds, by a nurse
12 practitioner, certified nurse midwife, physician assistant,
13 chiropractor, or optometrist, as described in subdivision (b) of
14 Section 22511.55, substantiating the temporary disability and
15 stating the date upon which the disability is expected to terminate.

16 (3) The physician and surgeon, nurse practitioner, certified nurse
17 midwife, physician assistant, chiropractor, or optometrist who
18 signs a certificate submitted under this subdivision shall maintain
19 information sufficient to substantiate that certificate and, upon
20 request of the department, shall make that information available
21 for inspection by the Medical Board of California or the appropriate
22 regulatory board.

23 (4) A placard issued pursuant to this subdivision shall expire
24 not later than 180 days from the date of issuance or upon the
25 expected termination date of the disability, as stated on the
26 certificate required by paragraph (2), whichever is less.

27 (5) The fee for a temporary placard issued pursuant to this
28 subdivision shall be six dollars (\$6).

29 (6) *A placard issued pursuant to this subdivision shall be*
30 *renewed a maximum of two times consecutively.*

31 (c) (1) A permanently disabled person or disabled veteran who
32 is not a resident of this state and plans to travel within the state
33 may apply to the department for the issuance of the temporary
34 distinguishing placard described in subdivision (a).

35 (2) Prior to issuing a placard pursuant to this subdivision, the
36 department shall require certification of the disability, as described
37 in subdivision (b) of Section 22511.55.

38 (3) The physician and surgeon, nurse practitioner, certified nurse
39 midwife, physician assistant, chiropractor, or optometrist who
40 signs a certificate submitted under this subdivision shall maintain

1 information sufficient to substantiate that certificate and, upon
2 request of the department, shall make that information available
3 for inspection by the Medical Board of California or the appropriate
4 regulatory board.

5 (4) A placard issued pursuant to this subdivision shall expire
6 not later than 90 days from the date of issuance.

7 (5) The department shall not charge a fee for issuance of a
8 placard under this subdivision.

9 (6) *A placard issued pursuant to this subdivision shall be*
10 *renewed a maximum of two times consecutively.*

11 (d) (1) A permanently disabled person or disabled veteran who
12 has been issued either a distinguishing placard pursuant to Section
13 22511.55 or special license plates pursuant to Section 5007, but
14 not both, may apply to the department for the issuance of the
15 temporary distinguishing placard described in subdivision (a) for
16 the purpose of travel.

17 (2) Prior to issuing a placard pursuant to this subdivision, the
18 department shall require the applicant to submit either the number
19 identifying the distinguishing placard issued pursuant to Section
20 22511.55 or the number on the special license plates.

21 (3) A placard issued pursuant to this subdivision shall expire
22 not later than 30 days from the date of issuance.

23 (4) The department shall not charge a fee for issuance of a
24 placard under this subdivision.

25 (5) *A placard issued pursuant to this subdivision shall be*
26 *renewed a maximum of two times consecutively.*

27 (e) The department shall print on a temporary distinguishing
28 placard, the maximum penalty that may be imposed for a violation
29 of Section 4461. For the purposes of this subdivision, the
30 “maximum penalty” is the amount derived from adding all of the
31 following:

32 (1) The maximum fine that may be imposed under Section 4461.

33 (2) The penalty required to be imposed under Section 70372 of
34 the Government Code.

35 (3) The penalty required to be levied under Section 76000 of
36 the Government Code.

37 (4) The penalty required to be levied under Section 1464 of the
38 Penal Code.

39 (5) The surcharge required to be levied under Section 1465.7
40 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.
SEC. 3. Section 22511.7 of the Vehicle Code is amended to read:

22511.7. (a) In addition to Section 22511.8 for offstreet parking, a local authority may, by ordinance or resolution, designate parking spaces for the exclusive use of any vehicle which displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59. ~~Whenever~~

(b) ~~Whenever~~ a local authority so designates a parking space, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. ~~In any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines, those crosshatched lines shall be painted blue.~~

(c) In addition to blue paint, the space shall also be indicated by signs or other suitable means. In areas where snow or ice may obscure the blue paint, a clearly visible sign appropriately designating the space is sufficient for purposes of this section. *The sign shall also clearly and conspicuously state the minimum fine, pursuant to Section 42001.13, imposed upon a person parking or leaving standing a vehicle in a stall or space designated for the use of disabled persons and disabled veterans, unless a special license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.*

~~This~~

(d) This section does not restrict the privilege granted to disabled persons and disabled veterans by Section 22511.5.

SEC. 4. Section 22511.8 of the Vehicle Code is amended to read:

22511.8. (a) Any local authority, by ordinance or resolution, and any person in lawful possession of an offstreet parking facility may designate stalls or spaces in an offstreet parking facility owned or operated by the local authority or person for the exclusive use of any vehicle which displays either a special license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59. The designation shall be made by posting a sign as described in paragraph (1), and by either of the markings described in paragraph (2) or (3):

1 (1) By posting immediately adjacent to, and visible from, each
2 stall or space, a sign consisting of a profile view of a wheelchair
3 with occupant in white on a blue background. *The sign shall also*
4 *clearly and conspicuously state the minimum fine, pursuant to*
5 *Section 42001.13, imposed upon a person parking or leaving*
6 *standing a vehicle in a stall or space designated for the use of*
7 *disabled persons and disabled veterans, unless a special license*
8 *plate issued pursuant to Section 5007 or a distinguishing placard*
9 *issued pursuant to Section 22511.55 or 22511.59 is displayed on*
10 *the vehicle.*

11 (2) By outlining or painting the stall or space in blue and
12 outlining on the ground in the stall or space in white or suitable
13 contrasting color a profile view depicting a wheelchair with
14 occupant. *In any area of the pavement adjacent to a parking stall*
15 *or space designated for disabled persons or disabled veterans that*
16 *is marked by crosshatched lines, those crosshatched lines shall be*
17 *painted blue.*

18 (3) By outlining a profile view of a wheelchair with occupant
19 in white on a blue background, of the same dimensions as in
20 paragraph (2). The profile view shall be located so that it is visible
21 to a traffic enforcement officer when a vehicle is properly parked
22 in the space.

23 (b) If posted in accordance with subdivision (d) or (e), the owner
24 or person in lawful possession of a privately owned or operated
25 offstreet parking facility, after notifying the police or sheriff's
26 department, may cause the removal of a vehicle from a stall or
27 space designated pursuant to subdivision (a) in the facility to the
28 nearest public garage unless a special license plate issued pursuant
29 to Section 5007 or distinguishing placard issued pursuant to Section
30 22511.55 or 22511.59 is displayed on the vehicle.

31 (c) If posted in accordance with subdivision (d), the local
32 authority owning or operating an offstreet parking facility, after
33 notifying the police or sheriff's department, may cause the removal
34 of a vehicle from a stall or space designated pursuant to subdivision
35 (a) in the facility to the nearest public garage unless a special
36 license plate issued pursuant to Section 5007 or a distinguishing
37 placard issued pursuant to Section 22511.55 or 22511.59 is
38 displayed on the vehicle.

39 (d) Except as provided in Section 22511.9, the posting required
40 for an offstreet parking facility owned or operated either privately

1 or by a local authority shall consist of a sign not less than 17 by
2 22 inches in size with lettering not less than one inch in height
3 which clearly and conspicuously states the following:
4 “Unauthorized vehicles not displaying distinguishing placards or
5 special license plates issued for physically disabled persons will
6 be towed away at the owner’s expense. Towed vehicles may be
7 reclaimed at

8
9
10 _____ or by telephoning
11 (Address)
12 _____.”
13 (Telephone number of local law enforcement agency)
14

15 The sign shall be posted in either of the following locations:

16 (1) Immediately adjacent to, and visible from, the stall or space.

17 (2) In a conspicuous place at each entrance to the offstreet
18 parking facility.

19 (e) If the parking facility is privately owned and public parking
20 is prohibited by the posting of a sign meeting the requirements of
21 paragraph (1) of subdivision (a) of Section 22658, the requirements
22 of subdivision (b) may be met by the posting of a sign immediately
23 adjacent to, and visible from, each stall or space indicating that a
24 vehicle not meeting the requirements of subdivision (a) will be
25 removed at the owner’s expense and containing the telephone
26 number of the local traffic law enforcement agency.

27 (f) This section does not restrict the privilege granted to disabled
28 persons and disabled veterans by Section 22511.5.

29 SEC. 5. Section 42001.13 of the Vehicle Code is amended to
30 read:

31 42001.13. (a) A person convicted of an infraction for a
32 violation of Section 22507.8 shall be punished by a fine of not less
33 than two hundred fifty dollars (\$250). *as follows:*

34 (1) *A fine of not less than two hundred fifty dollars (\$250) for*
35 *the first offense.*

36 (2) *A fine of not less than five hundred dollars (\$500) and not*
37 *more than one thousand two hundred fifty dollars (\$1,250) for the*
38 *second offense.*

1 (3) *A fine of not less than seven hundred fifty dollars (\$750)*
2 *and not more than one thousand five hundred dollars (\$1,500) for*
3 *three or more offenses.*

4 (b) The court may suspend the imposition of the fine if the
5 person convicted possessed at the time of the offense, but failed
6 to display, a valid special identification license plate issued
7 pursuant to Section 5007 or a distinguishing placard issued
8 pursuant to Section 22511.55 or 22511.59.

9 (c) A fine imposed under this section may be paid in installments
10 if the court determines that the defendant is unable to pay the entire
11 amount in one payment.

12 SEC. 6. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution for certain
14 costs that may be incurred by a local agency or school district
15 because, in that regard, this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty for a crime
17 or infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime within the
19 meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 However, if the Commission on State Mandates determines that
22 this act contains other costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.